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United States Conference of Catholic Bishops

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GUIDELINES CONCERNING THE ACADEMIC MANDATUM IN CATHOLIC UNIVERSITIES (CANON 812)

UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

Recommended procedures for granting, withholding, or withdrawing the mandatum required for Catholics who teach theological disciplines in the U.S. Catholic colleges and universities were approved June 15 by a voice vote of the U.S. bishops during their spring meeting in Atlanta. The mandatum was called for in a bishops' document (Origins, Vol. 30, pp. 65ff) applying Pope John Paul II's 1990 apostolic constitution on Catholic higher education, Ex Corde Ecclesiae (Vol. 20, pp. 265ff), in the United States. The June 15 text says that its "guidelines are intended to explain and serve as a resource for the conferral of the 'mandatum.' Only those guidelines herein that repeat a norm of the [application document] have the force of particular law." The nature of the mandatum, how it is to be granted, what is to be done if a professor does not request it, and considerations related to its denial are among concerns the document addresses (an earlier draft text of the procedures appeared in Origins, Vol. 30, pp. 425ff). "The 'mandatum' recognizes both the professor's 'lawful freedom of inquiry' and the professor's commitment and responsibility to teach authentic Catholic doctrine and to refrain from putting forth as Catholic teaching anything contrary to the Church's magisterium," the document says. It observes, "Theologians who have received a 'mandatum' are not catechists; they teach in their own name in virtue of their baptism and their academic and professional competence, not in the name of the bishop or of the church's magisterium." The new document notes that "the 'mandatum' is an obligation of the professor, not of the university"; it explains that the Catholic theological disciplines in this context are "sacred Scripture, dogmatic theology, moral theology, pastoral theology, canon law, liturgy, and church history." The text says that "ecclesiastical authority should presume, until the contrary is proven, that those who attest that they teach in full communion with the Church actually do so." It says, "Any negative judgment concerning an objectionable portion

of a professor's work should be assessed at three levels: (1) the significance of that portion of the professor's work within the context of his or her overall theological contribution; (2) its relationship to the larger Catholic tradition; (3) its implications for the life of the Church." The text of the recommended procedures includes sample letters for requesting and granting the mandatum. The text, copyright © 2001 by the U.S. Catholic Conference, follows. (See also the "On File" page of June 28, 2001, Origins for a report on discussion of the mandatum during the bishops' meeting.)

PREFACE

On November 17, 1999, the Catholic bishops of the United States approved the *Application of Ex Corde Ecclesiae for the United States*, implementing the apostolic constitution *Ex Corde Ecclesiae*. This action received the *recognitio* from the Congregation for Bishops on May 3, 2000. Bishop Joseph A. Fiorenza, President of the United States Conference of Catholic Bishops (USCCB), decreed that the application would have the force of particular law for the United States on May 3, 2001.

GUIDELINES

Pope John Paul II's constitution *Ex Corde Ecclesiae* of 1990 fostered a productive dialogue between the bishops of the United States and the leaders of Catholic colleges and universities. It is anticipated that this recently approved *Application of Ex Corde Ecclesiae for the United States* will further that conversation and build a community of trust and dialogue between bishops and theologians. Without ongoing and respectful communication, the implementation of the *mandatum* might appear to be only a juridical constriction of the work of theologians. Both bishops and theologians are engaged in a necessary though complementary service to the church that requires ongoing and mutually respectful dialogue.

Article 4, 4, e, iv, of the application states that "a detailed procedure will be developed outlining the process of requesting and granting (or withdrawing) the *mandatum*." These guidelines are intended to explain and serve as a resource for the conferral of the *mandatum*. Only those guidelines herein that repeat a norm of the application have the force of particular law. They were accepted for distribution to the members of the USCCB on June 15, 2001, by the Conference's general membership.

1. Nature of the *mandatum*.

- a. The *mandatum* is fundamentally an acknowledgment by church authority that a Catholic professor of a theological discipline is teaching within the full communion of the Catholic Church (Application: Article 4, 4, e, i).

- b. The object of the *mandatum* is the content of the professor's teaching, and thus the *mandatum* recognizes both the professor's "lawful freedom of inquiry" (Application: Article 2, 2) and the professor's commitment and responsibility to teach authentic Catholic doctrine and to refrain from putting forth as Catholic teaching anything contrary to the Church's magisterium (cf. Application: Article 4, 4, e, iii).
 - c. The *mandatum* should not be construed as an appointment, authorization, delegation, or approbation of one's teaching by church authorities. Theologians who have received a *mandatum* are not catechists; they teach in their own name in virtue of their baptism and their academic and professional competence, not in the name of the bishop or of the Church's magisterium (Application: Article 4, 4, e, ii).
2. Who is required to have the *mandatum*?
- a. All Catholics who teach Catholic theological disciplines in a Catholic university are required to have a *mandatum* (canon 812 and Application: Article 4, 4, e).
 - b. In accord with canon 812, the *mandatum* is an obligation of the professor, not of the university.
 - c. Teaching in this context signifies regular presentation (by full-time or part-time professors) of academic material in an academic institution. Occasional lectures as well as preaching and counseling are not within the meaning of the application and these guidelines.
 - d. Catholic theological disciplines in this context signify sacred Scripture, dogmatic theology, moral theology, pastoral theology, canon law, liturgy, and Church history (cf. canon 252).
 - e. University in this context signifies not only institutions that bear the title university but also Catholic colleges and other institutions of higher learning.
3. Who is to grant the *mandatum*?
- a. The *mandatum* is to be granted by the diocesan Bishop of the diocese in which the Catholic university is located, generally understood to be where the president and central administration offices are located (cf. Application: Article 4, 4, e, iv, [1]).
 - b. The competent ecclesiastical authority may grant the *mandatum* personally or through a delegate (Application: Article 4, 4, e, iv, [1]).
4. How is the *mandatum* to be granted?
- a. A request for a *mandatum* by a professor of a Catholic theological discipline should be in writing and should include a declaration that the teacher will teach in full communion with the Church.
 - b. The ecclesiastical authority should respond in writing (Application: Article 4, 4, e, iv, [3]) (see Appendix for samples).
 - c. An ecclesiastical authority has the right to offer the *mandatum* on his own initiative (which requires an acceptance), provided that the com-

mitment to teach in full communion with the church is clear.

- d. A professor already hired by the effective date (May 3, 2001) of the application is required to obtain the *mandatum* by June 1, 2002. A professor hired after the effective date of the application is required to obtain the *mandatum* within the academic year or within six months of the date of being hired, whichever is longer. If the professor does not obtain the *mandatum* within the time period given above, the competent ecclesiastical authority should notify the appropriate authority in the college or university.
 - e. Without prejudice to the rights of the diocesan Bishop, a *mandatum*, once granted, remains in effect wherever and as long as the professor teaches unless and until it is withdrawn by the competent ecclesiastical authority (Application: Article 4, 4, e, iv, [2]). Although there is no need for the *mandatum*, once granted, to be granted again by another diocesan bishop, every diocesan bishop has the right to require otherwise in his own diocese (Application: footnote 43).
 - f. If the Bishop is contemplating the denial or withdrawal of the *mandatum*, he should discuss this informally with the theologian, listing the reasons and identifying the sources, and allowing the theologian to make all appropriate responses.
5. Grounds and process for withholding or withdrawing the *mandatum*.
- a. If all the conditions for granting the *mandatum* are fulfilled, the professor has a right to receive it, and ecclesiastical authority has an obligation in justice to grant it.
 - b. Right intentions and right conduct are to be presumed until the contrary is proven. Hence the ecclesiastical authority should presume, until the contrary is proven, that those who attest that they teach in full communion with the church actually do so.
 - c. Ecclesiastical authorities who, after discussion with the professor in question, withhold or withdraw the *mandatum* must state their reasons in writing and otherwise enable the person who believes that his or her rights have been violated to seek recourse (Application: 4, 4, e, [3]; footnote 44). Such withholding or withdrawal should be based on specific and detailed evidence that the teacher does not fulfill the conditions of the *mandatum* (these guidelines: 1, b, and c, *supra*; Application: Article 4, 4, e, iii; NCCB, "Doctrinal Responsibilities: Approaches to Promoting Cooperation and Resolving Misunderstandings Between Bishops and Theologians" [Washington, D.C.: USCC, 1989], III, C, 4).
 - d. Any negative judgment concerning an objectionable portion of a professor's work should be assessed at three levels: (1) the significance of that portion of the professor's work within the context of his or her overall theological contribution; (2) its relationship to the larger Catholic tradition; (3) its implications for the life of the Church (cf. *Doctrinal*

Responsibilities, III, C, 4).

6. Appeals and resolution of disputes.

- a. Because the decision to withhold or withdraw the *mandatum* touches on the rights of theologians, the general principles of canon law should be adhered to in seeking recourse and in the process of appeal.
- b. In the resolution of disputes about the withholding or withdrawal of the *mandatum*, it is important for both parties to have competent canonical and theological counsel.
- c. For the resolution of disputes about withholding or withdrawal of the *mandatum*, there should be that contact between the bishop and the professor as urged in Canon 1733 §1. The process set forth in *Doctrinal Responsibilities* should be followed. The right of all parties to good reputation must always be honored (cf. canon 220).
- d. Other means for conflict resolution on the diocesan, regional or provincial levels (not excluding local mediation procedures) can also be invoked (cf. canon 1733).
- e. While the use of informal procedures is preferable, the aggrieved party always has the right to formal recourse against the denial or withdrawal of a *mandatum* in accordance with the canonical norms for "Recourse Against Administrative Decrees" (canons 1732-1739).

7. Diocesan Bishops who have Catholic colleges or universities in their dioceses are encouraged to be available to meet with professors of Catholic theological disciplines to review concrete procedures for granting, withholding, or withdrawal of the *mandatum* and to discuss other matters of common interest.

8. The members of the USCCB Committee for Bishops and Catholic Colleges and University Presidents and its staff will serve as resource personnel for information and guidance on matters connected with the *mandatum*.

9. These guidelines are to be reviewed after five years by a committee appointed by the Conference President.

APPENDIX

SAMPLE MANDATUM DRAFT

ATTESTATION OF THE PROFESSOR OF CATHOLIC THEOLOGICAL DISCIPLINES

I hereby declare my role and responsibility as a professor of a Catholic theological discipline within the full communion of the Church.

As a professor of a Catholic theological discipline, therefore, I am com-

mitted to teach authentic Catholic doctrine and to refrain from putting forth as Catholic teaching anything contrary to the Church's magisterium.

Place:

Signature:

Date:

ACKNOWLEDGMENT OF DIOCESAN BISHOP

I hereby acknowledge your declaration to remain within the full communion of the Catholic Church in fulfillment of your role and responsibility as a teacher of Catholic theological disciplines.

I recognize your commitment as a teacher of Catholic theological disciplines to teach authentic Catholic doctrine and to refrain from putting forth as Catholic teaching anything contrary to the Church's magisterium.

While the *mandatum* does not constitute you as an agent of the magisterium, it does affirm that your work as a teacher of Catholic theological disciplines is an important part of the Church's mission.

This *mandatum* remains in effect as long as you are engaged in the teaching of theology or until it is withdrawn by appropriate authority for a just cause.

Place:

Signature:

Date:

SAMPLE MANDATUM DRAFT (OFFERED BY THE BISHOP ON HIS OWN INITIATIVE)

MEMORANDUM

TO: Professor Thomas Bellarmine

FROM: Most Reverend Angelo Buonpastore

RE: *Mandatum*

DATE:

This memorandum constitutes the *mandatum* that you are required to have in order to be in compliance with canon 812. The purpose of the *mandatum* is to recognize the mutual ecclesial relationship that exists between the church and teachers of Catholic theology. It also constitutes my grateful response to your participation in the Church's mission.

I hereby acknowledge your role and responsibility as a teacher of Catholic theology within the full communion of the Catholic Church.

As a teacher of Catholic theology you are committed to teach authentic Catholic doctrine and to refrain from putting forth as Catholic teaching anything contrary to the church's magisterium.

While this *mandatum* does not constitute you as an agent of the magis-

terium, it does affirm that your work as a teacher of theology is an important part of the church's mission.

This *mandatum* remains in effect as long as you are engaged in the teaching of Catholic theology or until it is withdrawn by appropriate authority for a just cause.

This *mandatum* takes effect upon my receipt of the enclosed statement of your understanding and acceptance of its terms.

Acknowledgment

I, Thomas Bellarmine, have reviewed the *mandatum* offered to me by Bishop Angelo Buonpastore and, by means of my signature, express my understanding and acceptance of its terms.

Place:

Signature:

Date:

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